

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

**AMOS L. HOSEY, SR.,
TDCJ-CID # 428519,**

Plaintiff,

v.

GARY JOHNSON,

Defendant.

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CIVIL ACTION NO. V-98-088

ORDER DENYING INJUNCTIVE RELIEF

Amos L. Hosey, Sr., a prisoner of the Texas Department of Criminal Justice - Correctional Institutions Division (TDCJ-CID), has filed numerous prison related suits and has been sanctioned for his abuse of the legal system in this action and other prisoner civil rights actions. *See e.g. Hosey v. Dretke*, No. V-05-116 (S.D. Tex. Dec. 8, 2005); *Hosey v. Kelly*, No. V-00-03 (S.D. Tex. Dec. 31, 2002); *Hosey v. Scott*, No. H-00-4524 (S.D. Tex. Jan. 12, 2001). In response to Hosey's continued frivolous and vexatious litigation, the Clerk has been instructed not to accept any other civil actions, whether they are civil rights complaints or habeas corpus petitions, without advance payment from Hosey. *Id.*

Although the court dismissed this action more than ten years ago, Hosey has filed three motions seeking a Temporary Restraining Order (TRO) in which he declares that he is a commissioned peace officer and refers to an assault which allegedly occurred in Goliad County in 1985. (Docket Entry Nos. 18 and 19). He has also filed a motion for TRO, using a TDCJ-CID Offender Grievance Form, in which he makes a series of disjointed claims regarding prison grooming standards, prison conditions, and guard assaults. (Docket Entry No. 20). Hosey seeks

impeachment of two federal judges (Docket Entry No. 18 at and Docket Entry No. 19 at 1) and reassignment for himself (Docket Entry No. 20 at 2) claiming that he has done nothing to merit the disciplinary actions that have been taken against him.

To obtain a TRO, Hosey must show: (1) a substantial likelihood of ultimate success on the merits; (2) the TRO is necessary to prevent irreparable injury; (3) the threatened injury outweighs the harm the TRO would inflict on the non-movant; and (4) the TRO would serve the public interest. *Sierra Club v. City of San Antonio*, 112 F.3d 789, 793 (5th Cir. 1997); *see also Women's Med. Ctr. v. Bell*, 248 F.3d 411, 418-420 (5th Cir. 2001). Hosey cannot obtain the relief he seeks regardless of his allegations. Civil rights proceedings cannot be used to prosecute government defendants; nor are they used to micro-manage prisons with regard to the classification and assignment of individuals. *See Oliver v. Collins*, 914 F.2d 56, 60 (5th Cir.1990); *Jackson v. Cain*, 864 F.2d 1235 (5th Cir.1989). Hosey has not established the required elements to obtain injunctive relief.

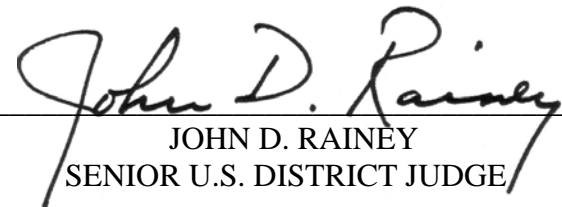
Apart from failing to show that he is entitled to relief, Hosey does not address the fact that he has been barred from filing any new actions. As noted, this case has been closed for more than ten years, and Hosey's motion is an apparent attempt to circumvent court ordered sanctions. This is not the first time Hosey has ignored court orders. *See Hosey v. Dretke*, No. V-05-116 (Docket Entry No. 5 at 2). Therefore, the court will deny the motion and order additional sanctions to deter Hosey from filing more frivolous and vexatious pleadings. *See Moody v. Baker*, 857 F.2d 256, 258 (5th Cir. 1988).

Conclusion

The court **ORDERS** the following:

1. Hosey's Motions for Temporary Restraining Orders (Docket Entry No. 18, 19, and 20) are **DENIED**.
2. Hosey is **ASSESSED** a sanction of Three Hundred Dollars (\$ 300.00) because he has disregarded the court's admonishments regarding frivolous lawsuits.
3. The TDCJ-CID Inmate Trust Fund is **ORDERED** to place a hold on Hosey's prisoner account until at least \$ 300.00 has accumulated in the account. At that time, the Inmate Trust Fund shall withdraw \$ 300.00 from the account and forward the funds to the Clerk of this court.
4. The Clerk is directed to provide a copy of this Order Denying Injunctive Relief to the parties; the TDCJ - Office of the General Counsel, P.O. Box 13084, Austin, Texas, 78711, Fax Number (512) 936-2159; the TDCJ-CID Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax number (936) 437-4793; and the Pro Se Law Clerk, United States District Court, Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702.

SIGNED this 4th day of January, 2011.


JOHN D. RAINEY
SENIOR U.S. DISTRICT JUDGE